

MEMORANDUM OF UNDERSTANDING

JUL 20 1993

between

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SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT

and

SANTA BARBARA COUNTY ASSOCIATION OF GOVERNMENTS

This Memorandum of Understanding ("MOU") is entered into this 20th day of May, 1993, between the Santa Barbara County Air Pollution Control District and the Santa Barbara County Association of Governments.

I. RECITALS

1. The purpose of this MOU is to provide for a cooperative process in the development and implementation of air quality attainment plans in Santa Barbara County.
2. Concentrations of air pollutants in the ambient air in Santa Barbara County exceed state and federal ambient air quality standards.
3. The California Clean Air Act of 1988 requires preparation of regional air quality attainment plans (the Clean Air Plan, hereafter referred to as the CAP) for Santa Barbara County in 1991 and at intervals thereafter.
4. The Federal Clean Air Act Amendments of 1990 require submittal of regional air quality plans (the Santa Barbara County portion of the State Implementation Plan, hereafter referred to as the SIP) in 1993 and at intervals thereafter.

5. To develop these plans and to improve air quality will require a cooperative and coordinated effort, which will involve the preparation of transportation control measures ("TCMs") that will satisfy both the federal and state requirements for attaining and maintaining federal and state air quality standards.

II. GENERAL RESPONSIBILITIES

A. Federal Clean Air Act

Under the Federal Clean Air Act, the APCD is the agency responsible for SIP preparation.

Santa Barbara County is designated a non-attainment area with respect to national ambient air quality standards for ozone. In accordance with federal law, the SIP shall demonstrate attainment and maintenance of the NAAQS. The parties intend, through this MOU, to develop required SIP revisions, to develop procedures for implementing and monitoring the implementation of the SIP, and to determine which elements of the SIP will be planned for and implemented by each of the parties to the Memorandum. APCD and SBCAG will work cooperatively to develop and, to the extent any one or more of them are so empowered, to implement the SIP. The SBCAG will prepare and their Board will adopt and submit to the APCD the proposed on-road transportation portion of the SIP. The APCD shall review and, as provided by law, adopt the proposed on-road transportation element for inclusion in the SIP and submit that element along with the entire SIP and submit the SIP to the

California Air Resources Board ("CARB") for submittal to the Environmental Protection Agency ("EPA").

B. California Clean Air Act

Santa Barbara County is designated as a non-attainment area for state ozone standard. The 1991 Air Quality Attainment Plan was prepared by the APCD in response to the California Clean Air Act, and adopted in December 1991. The parties will work cooperatively under the California Clean Air Act to monitor implementation of the 1991 Plan and to develop subsequent plan updates, as required. Using the best available information and air quality analysis, the CAP shall assess the impacts of proposed control strategies. SBCAG has the responsibility, in cooperation with APCD, to develop and adopt the proposed transportation control measures (TCMs) and to submit them to APCD for inclusion in such plans. APCD shall review and approve the TCMs submitted by SBCAG and include such measures in the CAP that are submitted to CARB, provided the TCMs submitted by SBCAG meet the requirements set forth in Health and Safety Code Section 40717.

C. Coordination of Federal and State Responsibilities

The parties recognize that the federal and state air quality standards, to which the SIP and CAP are respectively directed, are different, and that the SIP and CAP are separate documents. The parties anticipate, however, that the TCMs developed by SBCAG will be fully utilized to meet both the federal and state planning requirements and that no TCM will be applicable to the federal requirements that is not also applicable to the state requirements.

III. STATUTORY RESPONSIBILITIES

The parties affirm and support the statutory responsibilities of each of the regional agencies which is a party to this Memorandum of Understanding.

The parties agree that each agency shall exercise responsibility for determining and implementing revisions to the CAP and the SIP in accordance with each agency's statutory responsibilities.

Both agencies will cooperate in promoting the implementation of state and federal plan measures, including controls on stationary sources, mobile sources, and transportation systems. As appropriate, the agencies may recommend to the CARB and EPA that additional motor vehicle (technological) control measures be adopted for Santa Barbara County.

Consistent with the California Health and Safety Code Section 40717, the APCD, after consultation with SBCAG at a joint meeting of both Boards of Directors, shall establish the quantity of emission reductions necessary to meet the requirements of the State and Federal Clean Air Acts. SBCAG shall, in cooperation with the APCD, develop and approve a plan to control emissions from transportation sources which will achieve the emission reduction target established by the APCD referred to above. The plan shall be submitted to the APCD in accord with a schedule developed by the APCD in consultation with SBCAG. The APCD shall review and approve the plan as provided for in Health and Safety Code Section 40717.

IV. JOINT TECHNICAL COMMITTEE

A Joint Technical Committee shall be established, consisting of the Executive Directors of APCD and SBCAG or their designees. The committee shall: (1) develop the joint air quality work program and, (2) establish a mechanism to coordinate the policy actions taken by each agency's policy body.

V. WORK PROGRAM

A work plan and division of responsibilities governing the development of on-road transportation data, control measures affecting transportation sources, and other planning elements where SBCAG and APCD may share responsibilities, shall be developed by the Joint Technical Committee of the APCD and SBCAG. The work program shall provide for a coordinated effort of the both agency's staffs. It shall be reviewed annually or as necessary by the Joint Technical Committee with changes recommended to the governing bodies for approval, as appropriate, and shall assign work tasks in accordance with plan development and implementation responsibilities set forth, with the following principal division of functions. The Work Program shall be developed consistent with state and federal requirements. A draft of the first such Work Program is attached.

VI. CONFORMITY

APCD, in consultation with SBCAG, will prepare a SIP submittal which will define the process for conformity determinations for Santa Barbara County. The Conformity

SIP submittal will be prepared following EPA guidance and submitted to ARB and EPA within two years of adoption of final federal conformity guidance.

VII. ADMINISTRATIVE RESPONSIBILITIES

APCD will designate a program manager from its staff to be responsible for such duties and, in consultation with SBCAG staff contacts coordinate administrative matters, joint work efforts and information exchange among agencies.

VIII. HEARINGS AND PLAN APPROVALS

The parties agree to consider the plans prepared pursuant to this agreement at a joint meeting of the governing Boards of APCD and SBCAG. The SBCAG governing Board will approve and submit the proposed transportation element of such plans to the APCD. The APCD Board will approve and adopt, as provided by law, the entire plan.

IX. CONFLICT RESOLUTION

Policy conflicts related to the process described herein shall first be referred to and considered by the Joint Technical Committee to be established as described in Section VI.

If the conflict cannot be resolved by the Joint Technical Committee, it shall be considered at a joint meeting of the governing Boards of the APCD and SBCAG.

X. PROGRAM FUNDING

APCD agrees to consider funding each year in order to facilitate SBCAG in meeting its responsibilities as described in the work program developed by the Joint Technical Committee. Pursuant to Paragraph V, the work plan and funding will be reviewed and approved annually by both governing bodies. The amount of funding each year shall be tied to the amount of work described in the workplan. It is understood that the amount of such funding to be provided by APCD in any one year shall not exceed the total direct and indirect costs of a Transportation Planner II, Step E, for 12 person-months. Any costs in excess of that amount shall be the sole responsibility of SBCAG.

The APCD intends to provide all funding referenced above to SBCAG from fees generated pursuant to Health and Safety Code Section 44220 et seq. SBCAG, in conjunction with the approval of this funding, shall identify those funding sources which may be utilized for the activities described in this MOU. Pursuant to the limitations of Health and Safety Code Section 44220(b), SBCAG shall use all such funds to develop TCMs that are applicable to the state planning requirements or TCMs that satisfy both state and federal planning requirements. If SBCAG intends to develop any TCM or do any work within the scope of this MOU that is applicable to only the federal requirements, an alternative source of funding shall be obtained. If a funding source other than the fees generated pursuant to Health & Safety Code Section 44220 et seq. is utilized, then this paragraph shall not apply.

To enable SBCAG to proceed with its responsibilities as defined in the annual work program, APCD shall provide a written commitment of this funding to SBCAG on or before July 1 of each fiscal year.

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XI. TIME LIMIT

This Memorandum of Understanding shall become effective when approved by the governing bodies of APCD and SBCAG. This MOU is voluntary and may be terminated by either party upon written notification to the other party.

Executed the 20th day of May, 1993:

County of Santa Barbara

By Tom Rogan
Chair
Air Pollution Control District
Board of Directors

ATTEST:
Clerk of the Board

By Robert Cohen
Deputy

William M. Dillon
Approved as to Form
County Counsel

Santa Barbara County Association
of Governments

By Tom Rogan
Chair
Santa Barbara County Association
of Governments

[Signature]
Approved as to Form
SBCAG Counsel